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Draft Chesapeake Bay Total Maximum Daily Load

Comment On: EPA-R03-OW-2010-0736-0001

Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

Document: EPA-R03-OW-2010-0736-0101

Comment submitted by J. Guevremont

Submitter Information

Submitter's Representative: Jon M. Capacasa

Organization: Water Protection Division, Region III

General Comment

Dear Sirs;

Please consider delaying any implementation of new regulations until further study on existing programs and economic impacts are conducted to assure the proper Bay Model Accuracy. The Chesapeake Bay Model, the basis for nutrient and sediment reductions required by EPA, has been shown to have extensive flaws in the data it utilizes. The EPA even acknowledges this fact. EPA should not move ahead with costly mandates based upon flawed modeling and data. Examples:

- o In 2010, Virginia Cooperative Extension conducted a field observation study in the Coastal Plain. They found that 90% of crop acres were planted in no-till. Only 15% of the acres are enrolled in DCR's no-till program.
- o Is the model fully accounting for practices that are already mandated by state permitting programs? (ex: mortality control for poultry facilities)

o The model is currently "throwing out" actual, ground-truthed data from Virginia because it does not meet the "modeled" land use data. This is unfair when the practices are meeting all requirements set forth by EPA. Federal actions must be based on accurate information. No additional regulations or penalties should be put on states or industries until the science and data have been proven.

Also, compliance costs and Current Economy The Bay TMDL, will be high for all sectors. I agree that there is a benefit of clean waters within the Bay and local watersheds, the economic costs for compliance must be balanced, and water quality programs cannot be developed without considering economic impacts on farmers. Before moving forward with a finalized Bay TMDL, EPA must conduct a non-biased economic impact analysis, for instance, by land-grant university experts from across the watershed. Agriculture has the benefit of estimating some expenses based on existing data on cost of implementing AgBMPs through current state and federal programs.

Sincerely;

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